

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BRUCE DEL TURCO, VINCENT DELAZZERO,
THOMAS LANE and JAMES BARTALONE,
as Trustees and Fiduciaries of the TILE LAYERS
LOCAL UNION 52 PENSION, INSURANCE
AND WELFARE, AND ANNUITY FUNDS,
ROBERT WELTER, RONALD ADE, JAMES
BARTALONE, JOSEPH CURVINO, JR.,
LOUIS FILIPPI and BRUCE DEL TURCO,
as Trustees and Fiduciaries of the
TILE FINISHERS LOCAL UNION NO. 77
OF THE NY & NJ PENSION, WELFARE
AND ANNUITY FUNDS, JOHN J. FLYNN,
LOUIS WIER, DOMINIC SPANO, KENNETH
LAMBERT, JAMES BOLAND, GERALD
O'MALLEY, JOSEPH BRAMLETT,
FRED KINATEDER, PAUL SONGER, CHARLES
VELARDO, EUGENE GEORGE, MATTHEW
AQUILINE, DAN SCHIFFER, GREGORY HESS
and VINCENT DELAZERO as Trustees and
Fiduciaries of the BRICKLAYERS & TROWEL
TRADES INTERNATIONAL PENSION, HEALTH
AND ANNUITY FUNDS and CHARLES HILL, as
President of TILE, MARBLE & TERRAZZO LOCAL
NO. 7 OF N.Y. & N.J., BAC,

Plaintiff,

04 CV 0505 (SJ)

- against -

ORDER

G.M. CELONA CERAMIC TILE and
GEORGE T. CELONA, SR.,

Defendants.
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FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ MAR 20 2006 ★

P.M. _____
TIME A.M. _____

APPEARANCES:

BARNES, IACCARINO, VIRGINIA
AMBINDER & SHEPHERD, PLLC
Trinity Centre
111 Broadway
Suite 1403
New York, NY 10006
By: Charles R. Virginia, Esq.
Attorney for Plaintiff

JOHNSON, Senior District Judge:

Before the Court is a Report and Recommendation ("the Report"), prepared by Magistrate Judge Joan M. Azrack in response to an order of this Court dated October 5, 2005.¹ Judge Azrack filed the Report on March 8, 2006 and provided the parties until March 22, 2006 to file any objections. No objections have been filed.

A district court judge may designate a magistrate judge to hear and determine certain motions pending before the Court and to submit to the Court proposed findings of fact and a recommendation as to the disposition of the motion. See 28 U.S.C. § 636(b)(1). Within 10 days of service of the recommendation, any party may file written objections to the magistrate's report. Id. Upon *de novo* review of those portions of the record to which objections were made, the district court judge may affirm or reject the recommendations. Id. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are

¹Familiarity with the facts and procedural posture of the case are presumed.

addressed. See Thomas v. Arn, 474 U.S. 140, 150 (1985).

As mentioned, no objections were filed within the allotted time period. Thus, upon review, the Court adopts and affirms the Report in its entirety. Judgment shall be entered against the defendants, G.M. Celona Ceramic Tile and George T. Celona, Sr., for \$22,682.51 in damages, \$6,418.25 in attorneys' fees, and \$150 in costs, for a total award of \$29,250.76. The Clerk of the Court is directed to close the case.

SO ORDERED.

Dated: March 23, 2006
Brooklyn, NY

s/SJ

Senior U.S.D.J.